

REMARKS

Claims 1-190 are pending in this application. By virtue of this amendment, claim 65 has been amended to delete the phrase "randomly primed" from the claim. No new matter has been added.

With respect to claim amendments, Applicants have not dedicated to the public or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s).

The Office has required restriction between the following inventions under 35 U.S.C. §121:

- I. Claims 1-188, drawn to methods for amplifying a template polynucleotide.
- II. Claims 189 and 190, drawn to a kit for amplifying a template polynucleotide.

Applicants respectfully traverse the restriction requirement. In a telephone call on December 28, 2005, Examiner Babic advised Applicants' representative that upon reconsideration, the restriction requirement would be withdrawn and all of the claims of the application would be examined together.

In a telephone conversation with Examiner Babic on December 23, 2005, Applicants' representative pointed out that method and kit claims have been prosecuted and issued together in other patents issued to Applicants, and that the pending kit claims are dependent on the amplification methods of Group I. The Examiner said he would discuss this matter with his supervisor, Examiner Kenneth Horlick. On December 28, 2005, Examiner Babic told Applicants'

representative that he had consulted with his supervisor and that Groups I and II would be rejoined upon filing of a response to the Office Action.

Applicants appreciate the withdrawal of the restriction requirement and respectfully request a formal withdrawal on the record.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **492692001300**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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